

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-THIRD DAY — WEDNESDAY, MARCH 12, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 41).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis; Delisi; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbraneck.

Absent, Excused — Davila; Hernandez; Rodriguez; Uher.

Absent — Carter; Corte; Denny; Elkins; Heflin; Mowery; Nixon; Wilson; Wolens.

The invocation was offered by Reverend Larry T. West, Western Hills Christian Church, San Antonio, as follows:

O God, in whom we trust and who calls us to be the very best that we can be, remind us that the foundations of our great nation were built upon faith and a hope for the good and betterment of all people. Remind us that as legislators we come representing the millions of people of the great Lone Star State of Texas. Remind us that, representing them, we are to put our own agendas aside and seek the improvement of the conditions of all of those we have been elected to represent. Bless us O God, that our efforts this day would contribute to peace, and that we would gather here humbly with the realization of just how blessed we are, and how privileged to be in this position of service to you, our country, and the State of Texas. Grant us wisdom that reaches beyond our own knowledge and achievements. Grant us thy guidance as we seek to not only keep and preserve a peace that reduces the violence around us, but also to seek thy peace that passes all understanding. Let thy spirit of wisdom guide us in our deliberations of this day and as we seek to be the very best that we can be, according to thy will. We ask this prayer to thy glory. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of illness:

Hernandez on motion of Solis.

Uher on motion of Goolsby.

The following member was granted leave of absence for today because of important business:

Davila on motion of Goolsby.

The following member was granted leave of absence for today because of important business in the district:

Rodriguez on motion of Kubiak.

(Corte, Denny, Heflin, Mowery, and Nixon now present)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 18).

HR 341 - ADOPTED (by Telford)

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 341**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 341, Commending the State Firemen's and Fire Marshals' Association of Texas and the Texas Fire Chiefs Association and designating March 12, 1997, as Firefighter Appreciation Day.

HR 341 was read and was adopted without objection.

On motion of Representative Yarbrough, the names of all the members of the house were added to **HR 341** as signers thereof.

(Carter and Wilson now present)

HR 307 - ADOPTED (by D. Jones)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 307**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 307, In memory of Clem B. Boverie.

HR 307 was read and was unanimously adopted by a rising vote.

On motion of the speaker, the names of all the members of the house were added to **HR 307** as signers thereof.

(Elkins now present)

INTRODUCTION OF GUESTS

The speaker recognized Representative D. Jones, who introduced the family of Clem B. Boverie

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Farrar on motion of Gutierrez.

HR 310 - ADOPTED (by King)

Representative King moved to suspend all necessary rules to take up and consider at this time **HR 310**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 310, Commemorating the 50th anniversary of Uvalde Broadcasters, Inc.

HR 310 was adopted without objection.

(Wilson in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Holzhauser who presented Dr. David H. Watson of Yoakum as the "Doctor for the Day."

The house welcomed Dr. Watson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 121 - ADOPTED (by Moffat)

Representative Moffat moved to suspend all necessary rules to take up and consider at this time **HR 121**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 121, Congratulating the members of the Grapevine High School football team on achieving their first state football championship.

HR 121 was read and was adopted without objection.

On motion of Representative Carter, the names of all the members of the house were added to **HR 121** as signers thereof.

HR 340 - ADOPTED
(by Solis and Flores)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 340**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 340, Designating March 12, 1997, as Harlingen Day at the Capitol.

HR 340 was read and was adopted without objection.

On motion of Representative Hinojosa, the names of all the members of the house were added to **HR 340** as signers thereof.

HCR 131 - ADOPTED
(by Kamel and Glaze)

Representative Glaze moved to suspend all necessary rules to take up and consider at this time **HCR 131**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 131, Declaring March 11 and 12, 1997, as Tyler Days at the State Capitol.

HCR 131 was read and was adopted without objection.

On motion of Representative Kamel, the names of all the members of the house were added to **HCR 131** as signers thereof.

(Speaker in the chair)

HR 325 - ADOPTED
(by Kamel)

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 325**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 325, In memory of Ralph Spence, Sr.

HR 325 was read and was unanimously adopted by a rising vote.

On motion of Representative Glaze, the names of all the members of the house were added to **HR 325** as signers thereof.

HR 192 - ADOPTED
(by Hunter, et al.)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 192**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 192, Honoring Dr. William Beazley on the occasion of his retirement.

HR 192 was read and was adopted without objection.

On motion of Representative Counts, the names of all the members of the house were added to **HR 192** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Hunter, Counts, Keffer, and B. Turner, who introduced Dr. William Beazley and his wife.

(Place in the chair)

HCR 124 - ADOPTED (by Allen, Garcia, and Pitts)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HCR 124**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 124, Recognizing March 12, 1997, as Grand Prairie Day at the Capitol.

HCR 124 was read and was adopted without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Wolens now present)

(Speaker in the Chair)

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 566 ON THIRD READING (by Oliveira and Yarbrough)

HB 566, A bill to be entitled An Act relating to deductions from the winnings of lottery winners determined to be delinquent in certain amounts collected by the Texas Workforce Commission.

HB 566 was passed.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 312 ON SECOND READING
(by Place)

HB 312, A bill to be entitled An Act relating to the offense of tampering with a witness.

HB 312 was passed to engrossment.

HB 6 ON SECOND READING
(by D. Jones and Gutierrez)

HB 6, A bill to be entitled An Act relating to the reapportionment of certain state representative districts.

HB 6 was passed to engrossment.

HB 56 ON SECOND READING
(by Wilson)

HB 56, A bill to be entitled An Act relating to the terms of members of the Texas irrigators advisory council.

HB 56 was passed to engrossment.

SB 438 ON SECOND READING
(Uher - House Sponsor)

SB 438, A bill to be entitled An Act relating to application of the capitol view corridors to construction, renovation, and equipment of Darrell K Royal-Texas Memorial Stadium.

SB 438 was considered in lieu of **HB 1036**.

Representative Stiles moved to postpone consideration of **SB 438** until 10 a.m. Tuesday, March 18.

The motion prevailed without objection.

HB 1036 - LAID ON THE TABLE SUBJECT TO CALL

Representative Stiles moved to lay **HB 1036** on the table subject to call.

The motion prevailed without objection.

CSHB 1185 ON SECOND READING
(by Hightower, Allen, et al.)

CSHB 1185, A bill to be entitled An Act relating to the fraudulent exercise of certain governmental functions and the fraudulent creation or use of certain pleadings, governmental documents, and records; providing penalties.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 1185**:

Amend **CSHB 1185** as follows:

On page 3, line 18, strike "recklessly" and substitute "knowingly"

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Corte offered the following amendment to **CSHB 1185**:

Amend **CSHB 1185** as follows:

1) On page 8, line 8, strike Section 9 of the bill and renumber all subsequent sections.

(Haggerty in the chair)

Representative Place moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Place offered the following amendment to **CSHB 1185**:

Amend **CSHB 1185** as follows:

(1) On page 23, line 8 of the committee substitute, add the following sentence to the end of Subsection (e) of Section 51.903:

"A copy of the finding of fact and conclusion of law shall be sent, by first class mail, to the movant and to the person who filed the fraudulent lien or claim at the last known address of each person within seven days of the date that the finding of fact and conclusion of law is issued by the judge."

(2) On page 29, line 1, of the committee substitute, between "person" and "does", insert "or a person licensed or regulated by Chapter 9, Insurance Code (the "Texas Title Insurance Act").".

(3) On page 29, line 2, of the committee substitute, between "fraudulent" and "court", insert ", as described by Section 51.901(c), Government Code.".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Hartnett offered the following amendment to **CSHB 1185**:

Amend **CSHB 1185** by adding the following appropriately numbered section and renumbering the subsequent sections accordingly:

SECTION _____. Chapter 37, Civil Practice and Remedies Code, is amended by adding Section 37.012 to read as follows:

Sec. 37.012. FRAUDULENT COURT RECORD. (a) A decree, judgment, order, subpoena, warrant, minutes, or other document is void and is a fraudulent court record as a matter of law if issued after December 31, 1845, by:

(1) "the Republic of Texas Court of Common Law Pleas, Tarrant county, Milam District";

(2) "the Republic of Texas Common Law Court of Pleas, Tarrant county, Milam District";

(3) "a Common Law Court of Pleas Republic of Texas District Court";

(4) "the superior court, Wood county, Texas state";

(5) "the superior court, Dallas county, Texas state";

(6) "the Milam District Court Common Law Court of Pleas Tarrant county";

(7) "the Texas Constitutional Court";

(8) "the Republic of Texas Bexar District Court of Common Law Pleas";

(9) "the Republic of Texas Common Law Court"; or

(10) "the Common Law Court of the United States of America".

(b) At the request of any person, a district court shall issue a judgment declaring a decree, judgment, order, subpoena, warrant, minutes, or other document described by Subsection (a) to be a fraudulent court record and void.

(Speaker in the chair)

Representative Place moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 42): 78 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Coleman; Cook; Counts; Cuellar; Danburg; Davis; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hamric; Hawley; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Hunter; Jones, D.; Jones, J.; Junell; King; Lewis, G.; Lewis, R.; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Walker; Williamson; Wilson; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culbertson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goolsby; Grusendorf; Haggerty; Hartnett; Heflin; Hilderbran; Hill; Holzheuser; Horn; Howard; Hupp; Isett; Jackson; Janek; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Longoria; Madden; Marchant; McCall; Moffat; Mowery; Nixon; Palmer; Pickett; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; West; Williams; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Farrar; Hernandez; Rodriguez; Uher.

Absent — Edwards; Hilbert.

STATEMENTS OF VOTE

When Record No. 42 was taken, I was temporarily out of the house chamber. I would have voted no.

Hilbert

I was shown voting yes on Record No. 42. I intended to vote no.

Hunter

Amendment No. 5

Representative Hupp offered the following amendment to **CSHB 1185**:

Amend **CSHB 1185** as follows:

(1) Add an appropriately numbered section to the bill to read as follows:

SECTION _____. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.607 to read as follows:

Sec. 51.607. NOTICE OF LIEN OR SECURITY INTEREST. A person filing and recording a lien or other document appearing to establish a security interest in property shall provide a district clerk or county clerk with evidence that the person provided or attempted to provide notice of the filing and recordation to the person named in the document as the obligor or debtor and to any person who owns any interest in the real property described in the document. Proof that the required notice was given may be established by a postal receipt certifying delivery of a copy of the document to the stated or last known address of the appropriate person. Proof that the required notice was attempted may be established by evidence that notice by mail to the stated or last known address of the appropriate person was attempted.

(2) Renumber subsequent sections of the bill accordingly.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

CSHB 1185 — (consideration continued)

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Hupp offered the following amendment to **CSHB 1185**:

Amend **CSHB 1185** as follows:

(1) Add an appropriately numbered section to the bill to read as follows:
SECTION _____. Subchapter G, Chapter 51, Government Code, is amended by adding Section 51.607 to read as follows:

Sec. 51.607. NOTICE OF LIEN OR SECURITY INTEREST. On receipt for filing and recordation of lien or other document that appears to establish a security interest in property, a district clerk or county clerk shall send a copy of the document to the stated or last known address of the person named in the document as the obligor or debtor and to any person who owns any interest in the real property described in the document. The person filing and recording the document shall provide the clerk with a sufficient number of copies of the document and stamped envelopes prepared for mailing to the appropriate persons to enable the clerk to comply with this section. Notice to a person is not required under this section if it is apparent from the face of the document that the person knows or has already received notice of the apparent lien or security interest.

(2) Renumber subsequent sections of the bill accordingly.

Representative Bosse moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 43): 103 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse;

Burnam; Chavez; Coleman; Cook; Counts; Crabb; Cuellar; Culberson; Davis; Delisi; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hartnett; Hawley; Hightower; Hilbert; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Hunter; Jackson; Jones, D.; Jones, J.; Junell; Keel; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Stiles; Talton; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Bonnen; Brimer; Carter; Christian; Corte; Craddick; Danburg; Denny; Driver; Elkins; Giddings; Goodman; Grusendorf; Hamric; Heflin; Hilderbran; Hill; Horn; Howard; Hupp; Isett; Janek; Keffer; Kubiak; Madden; Merritt; Moffat; Mowery; Nixon; Palmer; Rabuck; Reyna, E.; Seaman; Staples; Swinford; Telford; Turner, B.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Farrar; Hernandez; Rodriguez; Uher.

Absent — Chisum; Clark; Kamel; Wilson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 43. I intended to vote yes to table.

Danburg

I was shown voting no on Record No. 43. I intended to vote yes to table.

Telford

A record vote was requested.

CSHB 1185, as amended, was passed to engrossment by (Record 44): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres;

Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davila; Farrar; Hernandez; Rodriguez; Uher.

HB 641 ON SECOND READING
(by Haggerty, et al.)

HB 641, A bill to be entitled An Act relating to the maximum value of a raffle prize.

Amendment No. 1

Representative Haggerty offered the following amendment to **HB 641**:

Amend **HB 641** on page 1 by striking lines 7 through 17 and substituting the following:

(g) A prize offered or awarded at the raffle may not be money. Except as provided by Subsection (k) of this section, the value of a prize that is offered or awarded at the raffle and that is purchased by the organization or for which the organization provides any consideration may not exceed \$50,000 [~~\$25,000~~].

(k) A prize may consist of one or more tickets in the state lottery authorized by Chapter 466, Government Code [the State Lottery Act (Article 179g, Vernon's Texas Civil Statutes), and its subsequent amendments,] with a face value of \$50,000 [~~\$25,000~~] or less, without regard to whether a prize in the lottery game to which the ticket or tickets relate exceeds \$50,000 [~~\$25,000~~].

Amendment No. 1 was adopted without objection.

HB 641, as amended, was passed to engrossment. (Finnell, Howard, Hunter, Kubiak, Madden, Patterson, Place, Swinford, Talton, and Telford recorded voting no)

HB 115 ON SECOND READING
(by Tillery and McClendon)

HB 115, A bill to be entitled An Act relating to the failure of certain persons to attend a court hearing involving a child; providing a criminal penalty.

Amendment No. 1

Representatives Wohlgemuth and Hamric offered the following amendment to **HB 115**:

Amend **HB 115** on page 1 by striking lines 12 through 14 and substituting the following:

(h) Any other order under this section is enforceable by the justice or municipal court by contempt.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Olivo offered the following amendment to **HB 115**:

Amend **HB 115** on page 1 as follows:

(1) Add a new SECTION 2 to read as follows:

SECTION 2. Section 54.022(e), Family Code, is amended to read as follows:

(e) A justice or municipal court shall endorse on the summons issued to a parent, managing conservator, or a guardian an order to appear personally at the hearing with the child. The summons must include a warning that the failure of the parent to appear may be punishable as a Class C misdemeanor.

(2) Renumber the existing sections as appropriate.

Amendment No. 2 was adopted without objection.

HB 115, as amended, was passed to engrossment.

RESOLUTIONS CALENDAR

The speaker laid before the house the following resolution on committee report:

HCR 29 (by Telford), Authorizing a cost of living increase in benefits for certain retirees proposed by the state board of trustees of the Texas Statewide Volunteer Fire Fighters' Retirement Fund.

HCR 29 was adopted without objection.

RULES SUSPENDED

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on State Affairs, Subcommittee on County Law Enforcement Airfare, to consider **HB 255**, **HB 499**, **HB 679**, and **HB 958**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, 3 p.m. today.

Appropriations, Subcommittee on Emoluments, 2 p.m. today, appropriations committee room.

Public Health, 2 p.m. today, to consider posted bills.

Juvenile Justice and Family Issues, one hour after adjournment today.

Corrections, 2:30 p.m. today.

Financial Institutions, Subcommittee on **HB 1277**, on adjournment Thursday, March 13, Desk 143, to consider **HB 1277**.

State Affairs, Subcommittee on County Law Enforcement Airfare, on adjournment today, E1.108, Capitol Extension, to consider **HB 255**, **HB 499**, **HB 679**, and **HB 958**.

Calendars, on adjournment today, speakers committee room, to consider the calendar.

ADJOURNMENT

Representative Woolley moved that the house adjourn until 10 a.m. tomorrow in memory of Robert Longo.

The motion prevailed without objection.

The house accordingly, at 1:15 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 2395 (by Grusendorf), Relating to the public funding of primary and secondary education through education scholarships.

To Revenue & Public Education Funding, Select.

HB 2449 (by Hirschi), Relating to the approval of a licensed dietitian as a service provider under the chronically ill and disabled children's program.

To Public Health.

HB 2450 (by Hirschi), Relating to authorizing the Texas Department of Criminal Justice and the Texas Department of Human Services to create a pilot program to administer to special needs offenders paroled from the institutional division of the Texas Department of Criminal Justice.

To Corrections.

HB 2451 (by Hirschi), Relating to the authority of the Department of Protective and Regulatory Services to obtain certain criminal history record information from the Department of Public Safety.

To Human Services.

HB 2452 (by Hirschi), Relating to peer review of physicians.

To Public Health.

HB 2453 (by Delisi and Hawley), Relating to the creation of the Advisory Commission on Military Forces in Texas.

To State Affairs.

HB 2454 (by Bailey), Relating to the election of certain boards of emergency services commissioners.

To County Affairs.

HB 2455 (by Bailey), Relating to alternative means of resolving personnel disputes in institutions of higher education.

To Higher Education.

HB 2456 (by Swinford), Relating to state funding for and tuition charged to certain undergraduate students who accumulate excessive credit hours and to the number of credit hours required in a degree program.

To Higher Education.

HB 2457 (by Smithee), Relating to the prosecution and punishment of insurance fraud and engaging in organized criminal activity for which the underlying offense is insurance fraud.

To Criminal Jurisprudence.

HB 2458 (by Goolsby), Relating to compensation of the members of the Texas Lottery Commission.

To Appropriations.

HB 2459 (by Goolsby), Relating to the eligibility of a person to be an employee of the Texas Lottery Commission, to purchase a lottery ticket, or to claim, collect, or receive a lottery prize.

To Licensing & Administrative Procedures.

HB 2460 (by Garcia), Relating to transferring all powers and duties of the Railroad Commission of Texas to the comptroller of public accounts.

To Energy Resources.

HB 2461 (by Garcia), Relating to certain early voting mail ballot procedures; providing criminal penalties.

To Elections.

HB 2462 (by Pitts), Relating to authorizing a single county to create a rural rail transportation district.

To Transportation.

HB 2463 (by Moffat), Amending Chapter 51, Texas Water Code; authorizing certain water control and improvement districts to divide into more than two districts after an election; authorizing certain water control and improvement districts, after an election, to adopt road district powers and county development district powers; authorizing lease purchase contracts; authorizing the addition of lands by certain districts; containing other provisions and declaring an emergency.

To Natural Resources.

HB 2464 (by Thompson), Relating to registration fees for vehicles fueled by alternative fuels.

To Transportation.

HB 2465 (by Thompson), Relating to tax exemptions for motor vehicles propelled by liquefied gas or other clean burning alternative fuels.

To Ways & Means.

HB 2466 (by Thompson), Relating to school district sexual harassment and sexual violence policies.

To Public Education.

HB 2467 (by Jackson), Relating to the regulation of persons engaged in asbestos-related activities.

To Public Health.

HB 2468 (by Goolsby), Relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the Texas Lottery Commission.

To Pensions & Investments.

HB 2469 (by McReynolds and Christian), Relating to the operation of vehicles transporting timber or timber products and to the operation of vehicles transporting poles or pipe.

To Transportation.

HB 2470 (by S. Turner), Relating to authorizing the resolution of certain misdemeanor prosecutions by the payment of applicable fines, restitution, and other amounts on service of an arrest warrant and to the collection of those amounts by a constable or deputy constable.

To Criminal Jurisprudence.

HB 2471 (by S. Turner), Relating to establishing a center for the study and prevention of juvenile crime and delinquency at Prairie View A&M University.

To Higher Education.

HB 2472 (by Maxey), Relating to the reporting of certain injuries to the Department of Public Health.

To Public Health.

HB 2473 (by Grusendorf), Relating to the reporting of public school class size.

To Public Education.

HB 2474 (by Gallego), Relating to appropriations for the preservation, enhancement, and promotion of state historical parks, structures, and sites.

To Appropriations.

HB 2475 (by Seaman), Relating to the regulation of mariculture facilities in certain coastal counties.

To Land & Resource Management.

HB 2476 (by Hilbert), Relating to the attorney-client communication privilege.

To Judicial Affairs.

HB 2477 (by E. Reyna), Relating to requiring that vendors seeking to contract with a state agency or school district certify that the vendor is complying with applicable state and federal minimum wage laws.

To State Affairs.

HB 2478 (by E. Reyna), Relating to state funding of certain public institutions of higher education.

To Appropriations.

HB 2479 (by Hirschi, et al.), Relating to the imposition of a tax on emissions and to the use of the tax revenue to reduce school property taxes and the gas production tax; providing penalties.

To Revenue & Public Education Funding, Select.

HB 2480 (by Averitt, Ramsay, et al.), Relating to the liability of certain volunteer health care providers.

To Civil Practices.

HB 2481 (by Swinford, West, Hawley, B. Turner, Chisum, et al.), Relating to faith-based chemical dependency treatment programs and counselors.

To Public Health.

HB 2482 (by Smithee, Corte, Counts, Edwards, Hilderbran, et al.), Relating to the establishment of an accreditation program for child-care facilities and child-placing agencies as an alternative to state licensure; providing a criminal penalty.

To Human Services.

HB 2483 (by Solis), Relating to the requirement that certain persons required to pay child support participate in job training.

To Juvenile Justice & Family Issues.

HB 2484 (by Solis), Relating to an exemption for certain insurance companies regulated by the Texas Department of Insurance from licensing requirements regarding the issuance of bail bonds.

To Criminal Jurisprudence.

HB 2485 (by Dukes), Relating to security guards at certain car washes.

To Public Safety.

HB 2486 (by Price), Relating to a pilot program to provide salary supplements for experienced public school teachers at certain campuses.

To Public Education.

HB 2487 (by Price), Relating to public school district and campus advisory committees.

To Public Education.

HB 2488 (by Staples), Relating to the interview of a child in chambers in a suit affecting the parent-child relationship.

To Juvenile Justice & Family Issues.

HB 2489 (by Staples), Relating to the administration of the Uniform Act for out-of-State probationer and parolee supervision.

To Corrections.

HB 2490 (by Staples), Relating to the investigation of a report of child abuse or neglect during the pendency of a suit affecting the parent-child relationship.

To Juvenile Justice & Family Issues.

HB 2491 (by Alexander), Relating to the exclusion of community colleges from the state employee charitable contribution program.

To Higher Education.

HB 2492 (by McClendon), Relating to the duties of the chief personnel officer of certain counties.

To County Affairs.

HB 2493 (by Maxey), Relating to accessibility by persons with mobility impairments to buildings leased by or built for the state.

To Licensing & Administrative Procedures.

HB 2494 (by Zbraneek), Relating to regulating certain political contributions and direct campaign expenditures made by individuals; providing criminal penalties.

To Elections.

HB 2495 (by Zbranek), Relating to regulating certain political contributions and direct campaign expenditures made by general-purpose political committees; providing criminal penalties.

To Elections.

HB 2496 (by Wise), Relating to the prosecution of, the punishment for, and venue in the prosecution of the offenses of interference with child custody, agreement to abduct from custody, and enticing a child.

To Criminal Jurisprudence.

HB 2497 (by Wise), Relating to certain confidential communications.

To Criminal Jurisprudence.

HB 2498 (by Wise), Relating to the regulation of certain child-care facilities and registered family homes.

To Human Services.

HB 2499 (by Patterson, Cook, Swinford, and Flores), Relating to the family farm and ranch finance program.

To Agriculture & Livestock.

HB 2500 (by Oliveira, Patterson, and Marchant), Relating to state agency loan and loan guarantee programs, the creation, administration, and operation of the Texas Economic Development Agency to administer state agency loan and loan guarantee programs and to engage in capital formation initiatives to further the state's economic and agricultural development goals, and to the abolition of the Texas Department of Commerce and the Texas Agricultural Finance Authority.

To Economic Development.

HB 2501 (by Elkins, Crabb, Williams, Hamric, et al.), Relating to compensation of a lobbyist with public funds of a political subdivision.

To State Affairs.

HB 2502 (by Elkins), Relating to the venue for prosecution of the offense of failing or refusing to pay the toll imposed for the operation of a motor vehicle on a toll project of certain counties.

To Criminal Jurisprudence.

HB 2503 (by Garcia), Relating to certain solicitations made in relation to insured fire losses; providing a penalty.

To Insurance.

HB 2504 (by Krusee), Relating to the appointment and duties of criminal magistrates for certain courts of Williamson County.

To Judicial Affairs.

HB 2505 (by Delisi), Relating to promotion to the next grade level after completion of an extended year program.

To Public Education.

HB 2506 (by Dukes), Relating to interest charged on late payment made by certain political subdivisions under a contract for goods or services.

To Business & Industry.

HB 2507 (by Dukes), Relating to false disparagement of a local governmental entity.

To Civil Practices.

HB 2508 (by Hilderbran), Relating to a study and a pilot project related to the use of finger-imaging in the electronic benefits transfer program.

To Human Services.

HB 2509 (by Hilderbran), Relating to a pilot program for the treatment of Alzheimer's patients.

To Human Services.

HB 2510 (by Hilderbran), Relating to the regulation of certain personal care facilities.

To Human Services.

HB 2511 (by Hunter), Relating to an alternate selection system for filling beginning positions in police departments.

To Urban Affairs.

HB 2512 (by Hunter), Relating to the authority of the Texas State Library and Archives Commission to accept donations and services from certain sources.

To State, Federal & International Relations.

HB 2513 (by Chavez), Relating to interlocal contracting authority of local governments.

To County Affairs.

HB 2514 (by Chavez), Relating to the terms of the board of hospital managers of the El Paso County Hospital District.

To County Affairs.

HB 2515 (by Chavez and Palmer), Relating to the provision of information relating to historically underutilized businesses to certain persons.

To Ways & Means.

HB 2516 (by Chavez), Relating to the prosecution and punishment of the offense of disorderly conduct.

To Criminal Jurisprudence.

HB 2517 (by Dunnam), Relating to state oversight and evaluation of public junior college districts and other postsecondary institutions of vocational or technical education.

To Higher Education.

HB 2518 (by Dunnam), Relating to responsibility for state aircraft used for flight training programs by public postsecondary educational institutions.

To State Affairs.

HB 2519 (by Gallego), Relating to special license plates benefitting Big Bend National Park.

To Transportation.

HB 2520 (by Gallego), Relating to the conservatorship of state agencies and public junior colleges as a result of fiscal mismanagement.

To State Affairs.

HB 2521 (by Finnell), Relating to the eligibility of certain persons to apply for compensation under the Crime Victims' Compensation Act.

To Criminal Jurisprudence.

HB 2522 (by Finnell), Relating to the operation of a motorcycle on a public street or highway.

To Transportation.

HB 2523 (by Hill), Relating to the appointment of a tenant representative as a commissioner of a municipal housing authority.

To Urban Affairs.

HB 2524 (by Naishtat), Relating to the creation and operation of a pilot program to provide employment and training for certain persons on public assistance.

To Economic Development.

HB 2525 (by Naishtat), Relating to the rights and responsibilities of persons with disabilities.

To Human Services.

HB 2526 (by Williams), Relating to the duties of an Attorney Ad Litem appointed to represent a child in a suit affecting the parent-child relationship.

To Juvenile Justice & Family Issues.

HB 2527 (by Gutierrez, Dunnam, Solis, Flores, and Cuellar), Relating to the establishment of the Texas Literacy Pilot Program to exempt literacy tutors from tuition and fees at public junior colleges and public universities.

To Higher Education.

HB 2528 (by Gutierrez), Relating to the validation of acts and proceedings of South Texas Community College.

To Higher Education.

HB 2529 (by Gutierrez), Relating to the ability of a peace officer to apply for compensation under the Crime Victims' Compensation Act.

To Criminal Jurisprudence.

HB 2530 (by Gutierrez), Relating to the fee for a late registration of a motor vehicle.

To Transportation.

HB 2531 (by Gutierrez), Relating to the civil liability of certain persons for a child's conduct.

To Juvenile Justice & Family Issues.

HB 2532 (by Hightower), Relating to the continuation and functions of the Commission on Jail Standards.

To County Affairs.

HB 2533 (by Hightower), Relating to liability of an owner of property on the shoreline of a lake for damages arising from a failure to construct or maintain adequate shoreline protection.

To Civil Practices.

HB 2534 (by Danburg), Relating to a pilot program involving competitive supply of energy from certain sources.

To State Affairs.

HB 2535 (by Danburg, Brimer, et al.), Relating to the election of a political party's state executive committee at a primary election.

To Elections.

HB 2536 (by Dutton), Relating to bail, the forfeiture of bail, and the licensing and regulation of bail bondsmen.

To Criminal Jurisprudence.

HCR 130 (by Hilbert), Granting Dr. Helen Li permission to sue the state and The University of Texas Medical School at Houston.

To Civil Practices.

HCR 132 (by Counts, et al.), Encouraging the Texas Board of Criminal Justice, Texas Youth Commission, Juvenile Probation Commission, county commissioners, and sheriffs to support faith-based correctional programming and facilities

To Corrections.

HCR 133 (by Patterson), Designating the city of Paris and Lamar County as the Crape Myrtle Capital of Texas.

To State, Federal & International Relations.

HCR 136 (by Hilderbran and Coleman), Endorsing the Texas Department on Aging's initiative to prepare for an aging society.

To Human Services.

HCR 137 (by Chavez), Memorializing Congress to create a NAFTA Trade Impact Fund.

To State, Federal & International Relations.

HJR 1 (by Gallego), Proposing a constitutional amendment relating to the purposes for which money in the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund may be used.

To Appropriations.

HJR 88 (by Chavez), Proposing a constitutional amendment to allow equal access to public services, assistance, and benefits to all United States legal residents.

To State Affairs.

HJR 92 (by Gallego), Proposing a constitutional amendment creating a vacancy in the office of district judge if the judge becomes a candidate for another public elective office.

To Judicial Affairs.

HR 327 (by Zbranek), In memory of the Honorable Oscar F. Nelson, Jr.
To Rules & Resolutions.

HR 328 (by Gallego), In memory of Richard Ray Collett.
To Rules & Resolutions.

HR 329 (by Gallego), In memory of Dr. Malone V. Hill, Sr.
To Rules & Resolutions.

HR 330 (by Gallego), In memory of Dr. Elton R. Miles.
To Rules & Resolutions.

HR 331 (by Gallego), Honoring Dr. Paul R. Weyerts on the occasion of his retirement.
To Rules & Resolutions.

HR 332 (by Gallego), Honoring Mrs. LaFerne Scudday for her many years of service to the Alpine Independent School District.
To Rules & Resolutions.

HR 333 (by Gutierrez), Congratulating Penny Payte McLeaish on her receipt of a Denius-UIL Sponsor Excellence Award.
To Rules & Resolutions.

HR 334 (by Oakley), Designating March 17, 1997, as Kaufman County Day at the State Capitol.
To Rules & Resolutions.

HR 335 (by Cook), Commemorating the 175th anniversary of the founding of the city of Columbus.
To Rules & Resolutions.

HR 336 (by Cook), Commemorating the dedication of an official Texas historical marker honoring the Nada Post Office for 103 years of service to the community.
To Rules & Resolutions.

HR 337 (by Hinojosa), Honoring Javier and Bobby Olivarez.
To Rules & Resolutions.

HR 338 (by Woolley), In memory of Susan E. Wolf.
To Rules & Resolutions.

HR 339 (by Naishtat), Granting permission for the South Central Texas District of Optimist International to use the house chamber on April 16, 1997.
To House Administration.

SB 132 to Public Education.

SB 136 to Public Education.

SB 139 to Public Education.

SB 162 to Public Health.

SB 422 to Public Health.

SB 584 to State Affairs.

SB 674 to Criminal Jurisprudence.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 18**HCR 103, HCR 128****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, March 12, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 61** Zaffirini

Relating to the penalty for failure to report abuse of persons who are elderly or disabled.

SB 94 Patterson, Jerry

Relating to the creation, extension, renewal, or modification of deed restrictions applicable to certain residential real estate subdivisions.

SB 343 Harris

Relating to speed limits for certain vehicles on public roads and highways.

SB 346 Barrientos

Relating to the training of certain law enforcement officers and county jailers.

SB 385 Sibley

Relating to the regulation of health maintenance organizations.

SB 501 Zaffirini

Relating to authorizing the comptroller to provide assistance to local governments in obtaining funds from the federal government.

SCR 41 Moncrief

Recognizing March 11, 1997, as the official opening of the Lone Star Dinosaurs exhibition and honoring the Fort Worth Museum of Science and History.

Respectfully,

Betty King

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, March 12, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 135 Yarbrough SPONSOR: Gallegos, Jr.
Congratulating Craig William Hemenway on attaining the rank of Eagle Scout.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, March 12, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 131 Kamel SPONSOR: Ratliff
Declaring March 11 and 12, 1997, as Tyler Days at the State Capitol.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 11

Corrections - **HB 507**

Financial Institutions - **HB 876, HB 1266**

Natural Resources - **HB 1707**

Pensions & Investments - **HB 138**

Public Health - **HB 889, HB 911, HCR 64, SB 388**

ENGROSSED

March 11 - **HB 520, HB 578, HB 979**